

**PUBLIC HEARING**  
**PROPOSED AMENDMENT TO ZONING LOCAL LAW**  
**“WORKFORCE HOUSING”**  
**WEDNESDAY, JULY 1, 2009, 7:00 P. M.**  
**NEW WINDSOR TOWN HALL**  
**NEW WINDSOR, NEW YORK**

**BOARD MEMBERS PRESENT:** Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Lundstrom

**OTHER OFFICIALS PRESENT:** Town Attorney Blythe, Police Lieutenant Farbent, Comptroller Finnegan, Highway Superintendent Fayo, Assessor Wiley

**ABSENT OFFICIALS:** Councilwoman Weyant

Supervisor Green called to order a Public Hearing regarding a proposed amendment to Chapter 300 of the Zoning Local Law pertaining to workforce housing and presided over same.

The Town Clerk presented proof of publication as required by law.

Supervisor Green said two letters have been received pertaining to this public hearing, the first from the New Windsor Planning Board recommending adoption of the proposed local law and a second letter from the Orange County Department of Planning which has three comments, one of which is binding upon the town. The binding comment says that the Department of Planning feels that the area being included in the proposed workforce housing overlay zone is too restrictive and will not provide enough opportunity for the amount of workforce housing needed for a sustainable community. The information discussed in the Intent and Objectives section as well as the site selection criteria for the workforce housing overlay zone are similar to the one outlined in §300-18, Senior Citizen Housing, in the New Windsor Zoning Code. Consistent with the recommendations this department made regarding the creation of the Senior Overlay Zone, this department recommends that the Workforce Housing Overlay Zone include all lands in the Town of New Windsor which are east of Interstate 87.

Supervisor Green said this was a binding comment from the Orange County Department of Planning and to override that, we would need a supermajority or 4 or 5 votes. He said he disagrees with the County and the area which has been designated is sufficient. He then asked if anyone had any comments they would like to make.

Barney Bedetti asked if this law pertained to just workforce housing because it mentions changes to PUD.

Supervisor Green said that the amendment only affects workforce housing, he then asked Dominick Cordisco, Planning Board attorney if he would like to say a few words regarding the proposed local law. Mr. Cordisco said that this law was created using the Senior Citizen Local Law as its model. It allows people working in the area to obtain affordable local housing. It follows the same procedure as the Senior Citizen Law but it does have its own requirements in terms of minimum lot area and maximum density which is ten units per net acre. The code also includes a minor amendment to Planned Unit Development and that is to provide more flexibility in ownership type. The current code has a minimum ten percent requirement of different units per development, the amendment would affect condominiums and how they were taxed. Supervisor Green asked Mr. Bedetti if that information answered his question.

Mr. Bedetti asked if this law would supersede any previous requirements under PUD specifically as it applies to Patriot Bluff which required ten percent single family dwellings. Supervisor Green said that this amendment does away with the ten percent requirement for single family dwellings, but it does not supersede any part of PUD, it changes that one section. Mr. Bedetti said there is nothing in the proposed amendment which states a charge for workforce housing which would make it affordable. Supervisor Green said the cost of any proposed project would be determined by the state similar to that of affordable senior housing. Mr. Bedetti said it is spelled out in the affordable senior housing law, but not in this law. Supervisor Green said he doesn't think it needs to be spelled out because it is affordable housing and a special permit would not be issued without it. Mr. Cordisco said we don't always reference each section of state law because that changes which would require us to change our law as often. He said that is a requirement and this housing would be deed restricted workforce housing units.

Mr. Bedetti said he noticed on the master plan use map, that the overlay zone area is designated as Highway Commercial, yet it mentions somewhere that this should be compatible with a residential type environment and he wondered if there was going to be a conflict there. Supervisor Green said he didn't think there would be a conflict as there is not much residential or highway commercial in that zone which was why it was chosen.

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William Steidle said it was his understanding that the Town board is now in favor of senior housing only east of the thruway and no longer around the City of Newburgh water supply at Brown's Pond. His question is that since that zoning is currently in effect and needs to be modified, when would those modifications go into effect. Supervisor Green said that the planners are working on it right now.

Hearing no one wishing to speak, Supervisor Green entertained a motion to close the Public Hearing.

**MOTION – CLOSE PUBLIC HEARING**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the proposed Local Law to permit and regulate Workforce Housing and to provide greater flexibility for the design of Planned Unit Developments at 7:58 P.M.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**MOTION – AUTHORIZE SUPERVISOR TO EXECUTE ENVIRONMENTAL ASSESSMENT FORM (EAF) AND ADOPT NEGATIVE DECLARATION – WORKFORCE HOUSING.**

Motion by Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, heretofore the Town Board has considered the adoption of a local law entitled "A local law to amend Chapter 300 of the Town of New Windsor Zoning Code to permit and regulate Workforce Housing and to provide greater flexibility for the design of Planned Unit Developments"; and,

WHEREAS, this is an action subject to SEQR; and,

WHEREAS, this a Type I action under SEQR; and,

WHEREAS, circulation of a notice regarding the Town Board's intent to serve as SEQR lead agency is not required because there are no other agencies that have approval authority over this proposed action; and,

WHEREAS, the Town Board as the sole Involved Agency assumes Lead Agency status, and as such has caused to be prepared a long Environmental Assessment Form ("EAF"); and,

WHEREAS, on July 1, 2009 the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter of the same;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Supervisor is hereby authorized to sign the EAF; and,
2. That after considering all of the information presented to it including the EAF the Town Board determines that the adoption of this local law will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration annexed hereto.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**MOTION – ADOPT LOCAL LAW ENTITLED “WORKFORCE HOUSING”**

Motion by Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, heretofore the Town Board has considered the adoption of a local law entitled "A local law to amend Section 300 of the Town of New Windsor Zoning Code to permit and regulate Workforce Housing and to provide greater flexibility for the design of Planned Unit Developments"; and,

WHEREAS, the Planning Board of the Town of New Windsor, having had forty-five (45) days to consider the proposed Zoning Local Law, has recommended the Town Board of the Town of New Windsor adopt said proposed Zoning Local Law; and,

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WHEREAS, the proposed Zoning Local Law was forwarded to the Orange County Department of Planning on May 12, 2009; and,

WHEREAS, the Orange County Department of Planning having had thirty (30) days to review and comment on the proposed Zoning Local Law, has recommended approval subject to expansion of the overlay district; and,

WHEREAS, pursuant to General Municipal Law Section 239(m), the Town Board has the authority to override the Orange County Planning Department’s mandatory comments by a vote of the majority plus one of all members of the Town Board; and,

WHEREAS, the Town Board, as sole Involved Agency under SEQR, has heretofore adopted a SEQR negative declaration finding that the adoption of the proposed local law would not have a significant impact on the environment; and,

WHEREAS, following due notice the Town Board held a public hearing on July 1, 2009 on the proposed local law;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Town Board does hereby adopt this local law entitled: "A local law to amend Section 300 of the Town of New Windsor Zoning Code to permit and regulate Workforce Housing and to provide greater flexibility for the design of Planned Unit Developments", which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany and direct the Town Clerk to publish pursuant to law..

*Roll Call: All Ayes*

*Motion Carried: 4-0*

Respectfully submitted,

DEBORAH GREEN  
TOWN CLERK

/clc